IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO 67 OF 2005

IN

NOTICE OF MOTION NO. 626 OF 2005

IN

SUIT NO. 771 OF 2000-

ROHINI D. SIDPRA ... PETITIONER.

...[ORIG.PLAINTIFF]

VS.

TATA SHARE REGISTRY LTD & ORS. ... RESPONDENTS.

...[ORIG.DEFENDANTS]

MS. R.D.SIDPRA PETITIOER IN PERSON.

MR. S.PUROHIT I/B. W. GANDHY & CO. FOR RESPONDENT NO.4.

MR. K.H.MODI I/B. SHAH & SANGHVI FOR RESPONDENT NO.5.

MR. S.A.KHAN FOR RESPONDENT NO.6.

Coram : S.K.Shah, J.

Date : September 9, 2005.

P.C.:

1. This contempt petition is taken out by the petitioner, who is in person, alleging non-compliance of the Order, dated 13.4.2005, passed in Chamber Summons No. 412/2005 alongwith Notice of Motion No 626 of 2005.

2. So far as the Chamber Summons is concerned, by that Order the same was disposed of by allowing the amendments to be carried out. The further Order reads as under :-

> Learned Advocate for the defendants to file reply to the notice of motion No.626 kof 2005.

3. The grievance of the Petitioner is that no reply is filed. Therefore, she has taken out this contempt petition.

4. This contempt cannot lie as if no reply is filed, the Court can proceed to consider the notice of motion. The Petitioner, therefore, shall pursue the notice of motion.

4. It appears that the contempt petition is taken out against the advocates representing the defendants in the notice of motion. This is totally wrong as although the direction was given to the advocates to file the reply, that was in fact to the parties who were represented by the advocates. The advocates are not the parties to the notice of motion. However, since the petition is in person, a lay-man no action need be taken against her. However, she must understand the aspect that whenever reply is directed to be filed, it has to

be filed by the party concerned and not by the advocate.

5. The contempt petition is accordingly disposed of.

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[S.K.Shah , J.]